

## **EXHIBIT 17**

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

- - - - - X

MURASHEA "MIKE" BOVELL,

Plaintiff,

-against-

Case No.:

15 Civ. 8594

CITY OF MOUNT VERNON, New York,  
Commissioner TERRANCE RAYNOR,  
Individually and in his Official  
Capacity, Deputy Commissioner  
RICHARD BURKE, Individually and  
in his Official Capacity,  
Captain MICHAEL GOLDMAN, Individually  
and in his Official Capacity,  
Sergeant ROBERT WUTTKE, and Lieutenant  
PAUL NAWROCKI, Individually and in his  
Official Capacity,

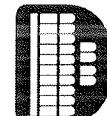
Defendants.

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PORTIONS OF THIS TRANSCRIPT ARE DEEMED CONFIDENTIAL

November 4, 2016  
1:40 p.m.

DEPOSITION of SERGEANT ROBERT WUTTKE, a Defendant herein,  
taken pursuant to Notice, and held at Mount Vernon  
City Hall, 1 Roosevelt Square, Mount Vernon, New  
York, before Gabriel Alicea, a Court Reporter and  
Notary Public of the State of New York.



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1 A P P E A R A N C E S:

2

3 THE BELLANTONI LAW FIRM  
4 Attorneys for Plaintiff  
5 2 Overhill Road, Suite 400  
6 Scarsdale, New York 10583  
7 BY: AMY L. BELLANTONI, ESQ.

8

9 COUGHLIN & GERHART, LLP  
10 Attorneys for Defendants  
11 99 Corporate Drive  
12 Binghamton, New York 13904  
13 BY: PAUL J. SWEENEY, ESQ.

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20 ALSO PRESENT:

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Police Officer Murashea Bovell  
Det. Alec Francis

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SERGEANT ROBERT WUTTKE

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1           IT IS HEREBY STIPULATED AND AGREED by and  
2 between the attorneys for the respective parties  
3 herein, that filing and sealing be and the same are  
4 hereby waived.

5           IT IS FURTHER STIPULATED AND AGREED that all  
6 objections, except as to the form of the question,  
7 shall be reserved to the time of the trial.

8           IT IS FURTHER STIPULATED AND AGREED that the  
9 within deposition may be signed and sworn to before  
10 any officer authorized to administer an oath, with  
11 the same force and effect as if signed and sworn to  
12 before the Court.

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SERGEANT ROBERT WUTTKE

1 (Plaintiff's Exhibit 13, PHOTOCOPY OF  
2 PERSONNEL ORDER, was marked for  
3 identification.)

4  
5 (Plaintiff's Exhibit 14, COMPENSATORY TIME  
6 REQUEST, was marked for identification.)

7  
8 (Plaintiff's Exhibit 15, SUPERVISOR'S  
9 REPORT, was marked for identification.)

10  
11 (Plaintiff's Exhibit 16, LIST OF DAYS OFF,  
12 was marked for identification.)

13  
14 (Plaintiff's Exhibit 17, 3/31/14 EMAIL,  
15 was marked for identification.)

16  
17 (Plaintiff's Exhibit 18, ADMINISTRATIVE  
18 GUIDE, was marked for identification.)

19  
20 (Plaintiff's Exhibit 19, 3/27/14 EMAIL,  
21 was marked for identification.)

SERGEANT ROBERT WUTTKE

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1 (Plaintiff's Exhibit 20, OFFICE OF THE  
2 POLICE COMMISSIONER DOCUMENT, was marked  
3 for identification.)

4

5 (Plaintiff's Exhibit 21, TYPEWRITTEN  
6 LETTER, was marked for identification.)

7

8 (Plaintiff's Exhibit 22, PERFORMANCE  
9 EVALUATION FORM, was marked for  
10 identification.)

11

12 (Plaintiff's Exhibit 23, PRINTOUT OF  
13 COMPUTER SCREEN, was marked for  
14 identification.)

15

16 (Plaintiff's Exhibit 24, PRINTOUT OF  
17 COMPUTER SCREEN, was marked for  
18 identification.)

19

20 (Plaintiff's Exhibit 25, PRINTOUT OF  
21 COMPUTER SCREEN, was marked for  
22 identification.)

23

24

SERGEANT ROBERT WUTTKE

1 (Plaintiff's Exhibit 26, HANDWRITTEN  
2 NOTES, were marked for identification.)  
3

4 (Plaintiff's Exhibit 27, PERFORMANCE  
5 EVALUATION, was marked for  
6 identification.)  
7

8 (Plaintiff's Exhibit 28, AMENDED  
9 EVALUATION, was marked for  
10 identification.)  
11

12 (Plaintiff's Exhibit 29, PERFORMANCE  
13 EVALUATION, was marked for  
14 identification.)  
15

16 (Plaintiff's Exhibit 30, CODE OF CONDUCT  
17 DOCUMENT, was marked for identification.)  
18

19 (Plaintiff's Exhibit 31, HARASSMENT  
20 COMPLAINT FORM, was marked for  
21 identification.)  
22  
23  
24

## SERGEANT ROBERT WUTTKE

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1 (Plaintiff's Exhibit 32, PRINTOUT OF TEXT  
2 MESSAGES, was marked for identification.)

4 (Plaintiff's Exhibit 33, CHARGE OF  
5 DISCRIMINATION DOCUMENT, was marked for  
6 identification.)

8 SERGEANT ROBERT WUTTKE,  
9 having been first duly sworn by the Notary Public  
10 (Gabriel Alicea), was examined and testified as  
1 follows:

## **EXAMINATION**

BY MS. BELLANTONI:

15 Q. Good afternoon.

16 A. Good afternoon.

17 Q. My name is Amy Bellantoni. I represent  
18 Officer Bovell and his lawsuit against the city and  
19 yourself and certain other individuals employed with  
20 the Mount Vernon Police Department and the city or  
21 formerly employed there. Have you ever been deposed  
22 before?

A. No, I haven't.

24 Q. I'm just going to ask you questions. And

1 I'm just looking for your best answers. I don't  
2 want you to speculate or guess. If you're not sure  
3 of something, just say, I don't recall, or, I don't  
4 know. And I will assume that, if you answer my  
5 question, that you understood what I was asking you  
6 and were responding to my question.

7 If you don't understand a question --  
8 sometimes, my questions are long. I'm sure you will  
9 agree. Just let me know, and I will try to rephrase  
10 it or shorten it so that you understand what I'm  
11 trying to ask you. Okay?

12 A. Okay.

13 Q. The court reporter is taking down  
14 everything that we're saying. So at some point,  
15 there may come a time that you are anticipating what  
16 the rest of my question is going to be and you start  
17 answering before I'm done like a regular, casual  
18 conversation, but that's going to make it difficult  
19 for him to get down everything that we're saying if  
20 we are talking over each other. So I will try to  
21 wait until you are done giving your answer before I  
22 give a follow-up question. And I will just ask that  
23 you wait until I'm finished asking my question  
24 before you start to answer. Is that fair?

SERGEANT ROBERT WUTTKE

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1 A. Fair enough.

2 Q. All right. Are you taking any medication  
3 today that would interfere with your ability to  
4 understand my questions?

5 A. No.

6 Q. Have you forgotten to take or did not take  
7 any medication that you should have taken?

8 A. No.

9 Q. Where are you currently employed?

10 A. City of Mount Vernon Police Department.

11 Q. And just for the record, I can see you,  
12 but can you state what your race is?

13 A. White.

14 Q. When were you first hired to work in the  
15 City of Mount Vernon Police Department?

16 A. August of 2003.

17 Q. And what did you do before that?

18 A. I worked as a recreational therapist at an  
19 acute care psychiatric facility.

20 Q. Where?

21 A. Ossining.

22 Q. What was the name of the facility?

23 A. Stony Lodge Hospital.

24 Q. What were you -- what was your position

1 there?

2 A. Recreational therapist.

3 Q. You did say that. And what were your  
4 duties and responsibilities in that regard?

5 A. I dealt predominantly with adolescents  
6 with acute psychiatric illness, and my ultimate  
7 goals were to give them positive ways to express  
8 themselves and/or vent their frustration or anger  
9 without going into a range, a fit, a tantrum.

10 Q. What was the age range of the kids in the  
11 facility?

12 A. The youngest child I dealt with was six  
13 years old, and it went all the way up to 18.

14 Q. And this was a residential facility?

15 A. An acute care hospital.

16 Q. And forgive me, but I'm not familiar with  
17 this type of facility. So were the individuals who  
18 were in the hospital -- were there times that they  
19 would leave the hospital and be discharged, or was  
20 this a residential-type setting where they would  
21 remain because they couldn't be placed back into the  
22 community?

23 A. It was a facility for the -- the patients  
24 resided there, but it was acute care. It was only

SERGEANT ROBERT WUTTKE

11

1 until we can stabilize the patient enough to go back  
2 to a less secure facility or back to a group home or  
3 back to their families.

4 Q. And how long did you work there?

5 A. Just shy of a year.

6 Q. Where did you work before that?

7 A. I was in college.

8 Q. Okay. Where did you graduate from?

9 A. University of Buffalo.

10 Q. And what was your major?

11 A. Psychology.

12 Q. What made you take -- did you take the  
13 police exam to get into the department?

14 A. Yes, ma'am.

15 Q. And what made you decide to go into a  
16 different direction?

17 A. I didn't want to sit in an office all day  
18 doing paperwork.

19 Q. So when you were hired in August of 2003  
20 after attending the academy, you were assigned to  
21 patrol; is that fair to say?

22 A. Yes.

23 Q. And how long were you in patrol?

24 A. Just over two years.

1 Q. Did you apply at any other police  
2 departments other than Mount Vernon?

3 A. Yes, ma'am.

4 Q. Where did you apply?

5 A. New York City Police Department, the  
6 United States Capital Police. Those are the only  
7 two that I can remember for sure, off the top of my  
8 head.

9 Q. Are you from Westchester, originally?

10 A. Yes, ma'am.

11 Q. You didn't apply to any other police  
12 departments other than Mount Vernon in Westchester  
13 County?

14 A. At the time I was taking the exams, the  
15 Westchester County -- other village test wasn't  
16 available.

17 Q. And after you finished your assignment and  
18 patrol, what was your next assignment?

19 A. I was assigned to the TRACI unit.

20 Q. Can you spell that?

21 A. T-R-A-C-I.

22 Q. Do you remember, approximately, when you  
23 were assigned to that unit?

24 A. Early spring of 2006.

SERGEANT ROBERT WUTTKE

13

1 Q. And what is that?

2 A. TRACI unit was a uniformed conditions unit  
3 that worked in conjunction with the New York State  
4 Police and the Mount Vernon Police street crimes  
5 unit.

6 Q. What crimes?

7 A. Street crimes.

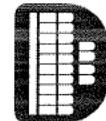
8 Q. Street crimes. And what were your  
9 responsibilities there?

10 A. They varied day-to-day. Three days a  
11 week, we were assigned with a New York State Trooper  
12 to do high-presence, high-visibility patrol, traffic  
13 enforcement, quality of life enforcement. Other  
14 days, we were assigned with the members of the  
15 street crimes unit to do street crimes work.

16 Q. Did the members of the street crimes unit  
17 have a different rank? In other words, were they  
18 detectives and you were a patrolman or -- I don't  
19 understand what you mean when you say you were  
20 assigned to the other officers with the street  
21 crimes unit.

22 A. They were police officers that were  
23 assigned to a different unit than I was.

24 Q. Does TRACI stand for something? Is it



1 TRACI -- does it stand for --

2 A. I don't want to interrupt you if you are  
3 not --

4 Q. That's fine. Does it stand for --

5 A. Targeted response anti-crime initiative.

6 Q. And when you were assigned to the state  
7 trooper, were you in a marked state trooper vehicle  
8 or a Mount Vernon police car?

9 A. New York State Trooper.

10 Q. And is being in -- assigned to the TRACI  
11 unit, is that something you were -- applied for or  
12 approached to work in that unit?

13 A. I was approached to work in that unit.

14 Q. Who were you approached by?

15 A. Then, Captain Kelly.

16 Q. And in 2006, were there any  
17 African-American officers assigned to the TRACI  
18 unit?

19 A. Yes.

20 Q. And who was assigned there? Well,  
21 withdrawn.

22 Approximately, how many officers were  
23 assigned to the TRACI unit in spring 2006?

24 A. Five.

SERGEANT ROBERT WUTTKE

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1 Q. And who were the African-American officers  
2 assigned to that unit?

3 A. Police Officer Leonard Cooper, Police  
4 Officer Alan Patterson, and Police Officer  
5 Latheia -- pardon me. I'm trying to figure out what  
6 her last name was at that time. It was either  
7 Latheia Daniels or Latheia Smith. I don't remember  
8 when she got married.

9 Q. Okay. At some point, you left the TRACI  
10 unit and went on to another assignment?

11 A. Yes.

12 Q. And what was that assignment?

13 A. Back to patrol division.

14 Q. Okay. And under what circumstances did  
15 you leave the TRACI unit to return to the patrol  
16 division?

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\*\*\*\*\* START CONFIDENTIAL \*\*\*\*\*

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## SERGEANT ROBERT WUTTKE

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This figure is a 2D bar chart with 16 horizontal rows and 4 vertical columns. The bars are black and represent different data values. The heights of the bars are as follows:

Row	Column 1	Column 2	Column 3	Column 4
1	High	Medium	Medium	Medium
2	Medium	Very High	Medium	Medium
3	Medium	Medium	Medium	Medium
4	Medium	Medium	Medium	Medium
5	Very High	Medium	Medium	Medium
6	Medium	Very High	Medium	Medium
7	Medium	Medium	Very High	Medium
8	Medium	Medium	Medium	Very High
9	Very High	Medium	Medium	Medium
10	Medium	Very High	Medium	Medium
11	Medium	Medium	Very High	Medium
12	Medium	Medium	Medium	Very High
13	Very High	Medium	Medium	Medium
14	Medium	Very High	Medium	Medium
15	Medium	Medium	Very High	Medium
16	Medium	Medium	Medium	Very High

SERGEANT ROBERT WUTTKE

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[REDACTED]



20

SERGEANT ROBERT WUTTKE

1 [REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]

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24 \*\*\*\*\*END CONFIDENTIAL\*\*\*\*\*

SERGEANT ROBERT WUTTKE

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1 Q. And when you had first begun your career  
2 in --

3 MS. BELLANTONI: And this can be not  
4 confidential any longer.

5 Q. When you had started your career in the  
6 Mount Vernon Police Department, for the first year  
7 or two, did you have any supervisor or someone in a  
8 higher rank than yourself that you considered a  
9 mentor or that, you know, assisted you or maybe your  
10 field training officer, anyone of that type of  
11 relationship?

12 A. Yes.

13 Q. And who would that have been?

14 A. I had my field training officer, which is  
15 Police Officer Kenny Rella.

16 Q. Is he still on the job?

17 A. No, ma'am.

18 Q. Anyone else?

19 A. The first sergeant that I worked for. I  
20 worked for him for almost my whole first two years  
21 of patrolling. That was -- at the time, he was  
22 sergeant Kevin Mandell.

23 Q. Is he still with the department?

24 A. No, ma'am.

SERGEANT ROBERT WUTTKE

1 MS. BELLANTONI: Okay. So this is  
2 confidential.  
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SERGEANT ROBERT WUTTKE

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\*\*\*\*\*START CONFIDENTIAL\*\*\*\*\*

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[REDACTED]



MS. BELLANTONI: So now we're back on nonconfidential.

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24 \*\*\*\*\*END CONFIDENTIAL\*\*\*\*\*

\*\*\*\*\*END CONFIDENTIAL\*\*\*\*\*

SERGEANT ROBERT WUTTKE

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1           Q.    For how long did you remain in that  
2 capacity?

3           A.    Several months.

4           Q.    So that would have been in 2007? At some  
5 point, that came to an answered in 2007?

6           A.    Came to an end in the beginning of 2007.

7           Q.    Okay. And then where were you assigned?

8           A.    After reassignment to patrol, I was  
9 assigned to the operations division and/or patrol  
10 clerk.

11          Q.    And how was that assignment different from  
12 what you had been doing before?

13          A.    I was assigned inside the patrol division  
14 office. I worked only day tours Monday through  
15 Friday.

16          Q.    Were you pleased with that assignment?

17          A.    No.

18          Q.    Some people like to be out. Yeah. So you  
19 weren't -- okay. What circumstances existed that  
20 caused your assignment inside?

21          A.    The person who was the clerk at the time  
22 was going out on maternity leave. I was asked if I  
23 would accept the assignment, and I did.

24          Q.    Were you given a time frame as to how long

1 you would be doing that?

2 A. No, ma'am.

3 Q. Who asked you to accept the assignment?

4 A. I don't recall exactly -- the exact  
5 circumstances. The clerk that was going out on  
6 maternity leave asked me if I would be willing to  
7 take the position. I said, I guess. And I don't  
8 know if it was the deputy chief or the captain who  
9 ultimately said, will you take the position.

10 Q. And what was the name of the patrol clerk?

11 A. Laura -- again, you will have to excuse  
12 me. She got married at some point during my career.  
13 Either Sakouski or Hurley. I don't remember which  
14 it was at that point in time.

15 Q. What were your responsibilities as the  
16 patrol clerk?

17 A. Scheduling overtime, entering days off,  
18 entering vacations, planning for the following  
19 year's scheduling, planning for special events as in  
20 hiring and reassigning people for, you know, that  
21 particular event.

22 Q. Who did you report to?

23 A. Captain Robert Kelly and Deputy Chief John  
24 Roland.

SERGEANT ROBERT WUTTKE

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1 Q. Roland?

2 A. Roland.

3 Q. And Kelly's first name?

4 A. Robert.

5 Q. Was there any pay differential in your  
6 position in the operations division versus your  
7 prior position at patrol?

8 A. No.

9 Q. Were you allowed to do overtime in the new  
10 position?

11 A. If the overtime was available on my time  
12 off.

13 Q. Between the time that you were with the  
14 patrol squad and the time that you had completed  
15 your assignments in the operations division, were  
16 you subjected to any disciplinary proceedings?

17 A. No, ma'am.

18 Q. And so after you were -- how long were you  
19 in the operations division?

20 A. A few months.

21 Q. Okay. So, at some point then in 2007, you  
22 were reassigned somewhere else?

23 A. The end of 2007, December, I was  
24 reassigned to the patrol task force.

1 Q. Was that an open position that you applied  
2 for, or were you approached for that?

3 A. I was approached.

4 Q. By who?

5 A. Captain Robert Kelly.

6 Q. And what were your responsibilities in  
7 that position?

8 A. I was plain-clothes street crime work.

9 Q. And you talked about the street crime unit  
10 you worked in before, with the TRACI unit. Was that  
11 what the patrol task force was?

12 A. Yes. Same idea, different name.

13 Q. Same people?

14 A. No.

15 Q. Did street crime unit still exist at the  
16 time that you were in the patrol task force?

17 A. Patrol task force became the street crime  
18 unit. I think they thought it was a more  
19 politically correct name.

20 Q. So what were your responsibilities in that  
21 position?

22 A. Plain-clothes street crime work.

23 Q. Undercover work, or were you developing  
24 CIs? Did you work with a partner? Did you have

SERGEANT ROBERT WUTTKE

29

1 specific assignments? What were your objectives,  
2 you know, as part of that group?

3 A. I was undercover. I was in plain clothes.  
4 I did work with a partner until he was injured. We  
5 did develop CIs on occasion. It wasn't our primary  
6 task. Our primary task was to be out in the  
7 high-crime areas or out where we were experiencing  
8 some type of pattern crime to try and quell that and  
9 move on to the next task.

10 Q. Were -- did you, as a group, utilize  
11 undercovers as part of your objectives?

12 A. No, ma'am.

13 Q. So neither you -- you didn't do undercover  
14 work in that connection, and you didn't use  
15 undercovers as part of any operations while you were  
16 in that division; correct?

17 A. No, ma'am.

18 Q. And when did you leave that unit?

19 A. Summer of 2008.

20 Q. And where did you go?

21 A. Narcotics. Excuse me. I misspoke. I had  
22 a brief assignment in between to the intelligence  
23 unit.

24 Q. How long were you in the intelligence

1 unit?

2 A. Just a few weeks.

3 Q. When you were assigned to the patrol task  
4 force, approximately how many months were you there?

5 A. Seven-and-a-half.

6 Q. And you were still -- had the rank of  
7 police officer?

8 A. Yes, ma'am.

9 Q. Did you do any investigative work while  
10 you were in that position? In other words, did you  
11 develop your own investigations, or were you  
12 basically working at the direction of possibly a  
13 supervisor or other detectives in that unit?

14 A. I was working under the direction of a  
15 supervisor. We executed search warrants. However,  
16 we didn't do long-term investigations.

17 Q. And who was your supervisor?

18 A. Sergeant John Mangieri.

19 Q. And were there individuals in that unit  
20 that had the title of detective?

21 A. Yes.

22 Q. So how many detectives -- I'm just going  
23 to call it the street crime unit. How many  
24 detectives were there at the time? And how many

SERGEANT ROBERT WUTTKE

31

1 police officers?

2 A. There was one detective, five police  
3 officers.

4 Q. And John Mangieri, what was his title?

5 A. Sergeant.

6 Q. What were the circumstances under which  
7 you were assigned to the intelligence unit?

8 A. I was moving up to the detective division.  
9 I was familiar with the work intelligence did,  
10 because when I was the operations clerk, the  
11 intelligence unit operated out of the office that I  
12 worked out of, and they needed help for a couple of  
13 weeks.

14 Q. So you helped them out when you were in  
15 the operations division?

16 A. On occasion.

17 Q. And what did you do at that time for them?

18 A. If one of the members of the intelligence  
19 units were out, I would assist in prisoner  
20 debriefings in the morning.

21 Q. Alone or with someone else?

22 A. No. With someone else, ma'am.

23 Q. Did you receive any training before you  
24 were assigned to the street crime unit?

1 A. In what regards?

2 Q. In -- other than the training that you  
3 received in the academy with respect to recognizing,  
4 you know, drug activity or protocol for executing  
5 search warrants, in those general basic types of  
6 instruction, did you receive any additional  
7 instruction at all before going into the street  
8 crime unit or while you were in the street crime  
9 unit?

10 A. Formalized instruction, no. I learned  
11 from the sergeant.

12 Q. You didn't attend any seminars or any  
13 outside or in-house training?

14 A. No, ma'am.

15 Q. Does the department have any in-house  
16 training programs?

17 A. Yes.

18 Q. Okay. And from the point in time you were  
19 hired until you were in the intelligence unit, did  
20 you take advantage of any of the in-house training  
21 that they provided?

22 A. I attended the five mandatory yearly  
23 trainings every year.

24 Q. Are they the same topics every year?

SERGEANT ROBERT WUTTKE

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1 A. Just about.

2 Q. Okay. And what are those topics?

3 A. First aid CPR, firearms and article 35,  
4 defensive tactics, legal updates, and then the other  
5 one varies, I guess. I can't think of anything else  
6 off the top of my head that we do every year.

7 Q. And who is responsible for providing the  
8 training?

9 A. The training unit.

10 Q. Who is currently the head of the training  
11 unit?

12 A. I don't know.

13 Q. Okay. So when you were assigned to the  
14 intelligence unit, who did you report to?

15 A. Lieutenant Marcel Olifiers.

16 Q. And had you been supervised by lieutenant  
17 Olifiers prior to that time?

18 A. I'm sure, at some point or another, there  
19 was a time where he supervised me.

20 Q. Were you approached to go into the  
21 intelligence unit, or did you request to be  
22 transferred there?

23 A. I was approached.

24 Q. By whom?

1 A. Lieutenant Olifiers.

2 Q. And you had mentioned you were moving up  
3 to the detective division. Under what circumstances  
4 were you moving up to the detective division and to  
5 what unit?

6 A. I was told I was moving up to the  
7 detective division.

8 Q. Did they tell you what unit?

9 A. When I went up there, I was told I was  
10 going to intelligence or asked if I would go to  
11 intelligence.

12 Q. And you responded --

13 A. Yes.

14 Q. And that's when you spent a few weeks in  
15 the intelligence unit?

16 A. Yes, ma'am.

17 Q. So you -- is it fair to say, at some  
18 point, you left the intelligence unit and were  
19 assigned to the narcotics unit?

20 A. Yes, ma'am.

21 Q. Did you request to be assigned to the  
22 narcotics unit, or did someone approach you?

23 A. I was request -- I'm sorry. I actually  
24 asked not to be assigned to the narcotics unit.

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1 Q. Who was -- who was the head of the  
2 narcotics unit at that time?

3 A. Sergeant Daniel Fisher.

4 Q. And what time frame are we talking about?

5 A. Summer of 2008.

6 Q. Who else was in that unit at that time?

7 A. Detective Fegan, Detective Dimase --

8 Q. D-I-M-A-C-E?

9 A. D-I-M-A-S-E.

10 Q. Okay.

11 A. I don't know if -- Medina was there. I  
12 don't know if he was a detective or a patrolman at  
13 that time. I think he was a detective. And there  
14 was two, I believe, detectives leaving the unit as I  
15 was being assigned in.

16 Q. Any other patrolmen being assigned into  
17 the narcotics unit?

18 A. The day I was assigned or the timeframe I  
19 was assigned, another patrolman was assigned there  
20 as well.

21 Q. And who was that?

22 A. Robert Burke.

23 Q. Had you worked with Officer Burke before?

24 A. Yes, ma'am.

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1 Q. Okay. So in summer of 2008 -- withdrawn.

2 Sergeant Fisher is Caucasian?

3 A. Yes.

4 Q. Detective Fegan is Caucasian?

5 A. Yes.

6 Q. Officer Burke is Caucasian?

7 A. Yes.

8 Q. Detective Dimase is Caucasian?

9 A. Yes.

10 Q. Officer Medina or Detective Medina is  
11 Caucasian or Hispanic?

12 A. Hispanic.

13 Q. And who was leaving? Who were the  
14 detectives that were leaving?

15 A. Detective Stella and Detective  
16 Mastrogiorgio.

17 Q. Were they leaving the department?

18 A. No.

19 Q. Where were they going?

20 A. General investigations.

21 Q. Are they both Caucasians?

22 A. Yes.

23 Q. Is it your understanding that they  
24 requested to leave the unit?

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1 A. I have no idea.

2 Q. Do you know the circumstances under which  
3 they left Sergeant Fisher's unit?

4 A. No, ma'am.

5 Q. Why did you ask not to be assigned to  
6 narcotics?

7 A. I was in a relationship. I had just moved  
8 in with my then fiancée. Working day tours in the  
9 intelligence unit made it available to actually have  
10 a life.

11 Q. And who did you request -- who did you  
12 make that request to?

13 A. Lieutenant Olifiers.

14 Q. And what did he say?

15 A. Somebody else is being assigned to  
16 intelligence. We don't have a spot for you.

17 Q. Who was being assigned to intelligence?

18 A. Krista Mann.

19 Q. These positions in these various units,  
20 are they openings that are posted? In other words,  
21 do you have knowledge before they are filled that  
22 they are going to be open, such that you have time  
23 to apply or approach someone about going into that  
24 position?

1       A.   Depends on the position.  Depends on who  
2 is in charge at the time.

3       Q.   So once you were assigned to the narcotics  
4 unit -- how long were you assigned there?

5       A.   Just under two years.

6       Q.   And what were your duties and  
7 responsibilities?

8       A.   Narcotics investigations, executing search  
9 warrants, surveillance.  I had arrest warrants and  
10 bench warrants that were assigned to me that I  
11 needed to follow up on.

12      Q.   And when you say "investigations," were  
13 you assisting the detectives in their  
14 investigations, or were you actually conducting your  
15 own investigations?

16      A.   Both.

17      Q.   And what investigations did you conduct on  
18 your own?

19      A.   Off the top of my head, I can't remember  
20 which ones were --

21      Q.   Not names.  Just generally, if you can  
22 recall, what types of investigations you initiated  
23 or --

24      A.   Narcotics investigations.

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1 Q. More specifically --

2 A. Sale of illegal narcotics, possession of  
3 illegal narcotics.

4 Q. Talking long-term --

5 A. My investigations were all relatively  
6 short-term.

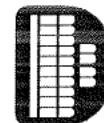
7 Q. Okay. We're talking about just street  
8 sales that you see, you know, buy and bust  
9 operations, or are we talking about targeting homes  
10 where people are going in and buying narcotics?  
11 Just trying to get a feel for it.

12 A. Targeting homes, cars, businesses.

13 Q. Was that based on CIs or any information  
14 that was supplied to you in the unit, or was that  
15 based on just being out there and observing possible  
16 drug activity?

17 A. Every situation was different. Some of it  
18 was complaints that were received through -- I  
19 received through Sergeant Fisher that he received  
20 through other channels. Some of it was information  
21 from CIs. Some of it was based off of observations.

22 Q. Okay. And while you were in the narcotics  
23 unit, did you have an opportunity to develop your  
24 own CIs?



1 A. Yes, ma'am.

2 Q. What was the policy and procedure with  
3 respect to identifying a confidential informant and  
4 registering them with the department? And how is  
5 that information memorialized with the department,  
6 procedurally?

7 A. There is a packet, six pages, I believe,  
8 of information needed to be filled out. A criminal  
9 history had to be attached to it. The potential  
10 informant would have to be interviewed by the  
11 supervisor. He would make a recommendation as to  
12 whether that informant was -- he considered that  
13 informant reliable and whether the informant should  
14 be registered. At that point, the packet went off  
15 to his supervisor.

16 Q. And so when you say the supervisor would  
17 make a recommendation and interview the CI, at that  
18 point in time, that was Sergeant Fisher?

19 A. Yes, ma'am.

20 Q. Did -- during the two years that were in  
21 that unit, did you have a supervisor other than  
22 Sergeant Fisher? In other words, did he leave at  
23 any point in time? Was he replaced during those two  
24 years?

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1 A. He left for vacations.

2 Q. Was he reassigned from his position --

3 A. I'm sorry. I wasn't trying to be  
4 contrite. When he went on vacation, we would have  
5 another supervisor in the office.

6 Q. Okay. But he generally permanently held  
7 that title during the two years that you were in the  
8 narcotics unit?

9 A. Almost the whole two years.

10 Q. When did -- he didn't hold that title?

11 A. A couple months before I left, he was  
12 reassigned back to patrol.

13 Q. And his title was Fisher -- his title was  
14 sergeant at that time; correct?

15 A. Detective sergeant.

16 Q. And what was -- if you know, what was his  
17 position when he was reassigned back to patrol?

18 A. Patrol supervisor.

19 Q. Was he still the title of detective  
20 sergeant?

21 A. I don't remember.

22 Q. Or would the title just have been sergeant  
23 at that time, patrol supervisor?

24 A. It could have been either.

1 Q. Is it lieutenant?

2 A. Now, it's lieutenant.

3 Q. Was it then?

4 A. No.

5 Q. During the time that you were in the  
6 narcotics unit, did you have an opportunity to  
7 engage in any buy and bust scenarios?

8 A. I'm sorry. Did I have an opportunity to  
9 what?

10 Q. Be in any buy and bust scenarios or  
11 operations.

12 A. Can you be a little bit more specific what  
13 you mean, "Buy and bust"?

14 Q. Okay. So, for instance, you have a  
15 registered CI, and -- well, let me ask you this:  
16 What was the policy and procedure of the department  
17 at that time with respect to -- and I apologize. I  
18 thought it was -- when I was in the DA's office, it  
19 was a pretty known term. But -- so if you have  
20 someone who is going to be out there selling or  
21 buying, approaching someone to buy from them, you  
22 would have, in some divisions or some departments,  
23 pre-marks or recorded buy money, and they would  
24 approach someone. And later on, that person would

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1       be arrested for selling. So in those types of  
2       circumstances, were you involved in any  
3       investigations in that respect?

4           A. I had instructed informants of mine to buy  
5       from certain people, if they had the ability to. I  
6       was involved for a very short period of time,  
7       because the investigation didn't pan out, when we  
8       were using an undercover Westchester County officer  
9       to buy drugs. When using informants, the policy,  
10      whether it was written or not, we weren't going to  
11      use our informants to buy off the street and then  
12      immediately go grab the dealer for fear of risking  
13      the safety of the informant. That's why I asked you  
14      to be more specific on buy and bust. Because when  
15      we use an undercover, we get to make arrests  
16      relatively quickly. But when we used CIs, we  
17      didn't.

18           Q. So those would be a longer-term process,  
19       where you would hide the identity of the person they  
20       had purchased from, and maybe not even effect an  
21       arrest until months later so there was no connection  
22       to the CI?

23           A. Normally not months later.

24           Q. Weeks?



1 A. Weeks.

2 Q. Days?

3 A. Not if it was a street-level buy, no. If  
4 they bought from a house, it could be within a day.

5 Q. While you were in the narcotics unit,  
6 aside from using either an undercover or a CI to buy  
7 from an individual from a home or what have you, did  
8 you also -- were you also involved in investigations  
9 or operations where your CI was a seller, and you  
10 were -- your unit was targeting the purchaser of the  
11 narcotics?

12 A. Not that I can remember.

13 Q. Is there any reason why there wouldn't be  
14 that type of reverse operation or investigation?

15 A. I've never -- I've never heard of it being  
16 done. I was never -- like I said, I can't remember  
17 ever having given an informant the okay to sell  
18 drugs.

19 Q. From your understanding of the policies  
20 and procedures of the department, would that have  
21 been a violation of any policy or procedure, to use  
22 a CI to sell narcotics in the community for purposes  
23 of making arrests of the purchasers?

24 A. I don't know if that's a violation of

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1 department rules and regs.

2 Q. Would it be a violation of the penal law?

3 A. I don't know. Morally, I don't think it's  
4 right. I think it's counterproductive getting drugs  
5 off the street by allowing drugs to be put out  
6 there.

7 Q. In your connection with your understanding  
8 of the policies and procedures of the department,  
9 would that type of situation rise to the level of  
10 violating any -- or subjecting that individual,  
11 narcotic officer, to disciplinary action? In other  
12 words, would there be a violation of any -- would  
13 there be misconduct or a violation of any  
14 disciplinary rules, to your knowledge?

15 A. I don't know, because I don't know that  
16 that's -- I'm not aware of that circumstance ever  
17 happening. That would depend on the -- was that  
18 sanctioned by some other -- sanctioned by a  
19 supervisor? Was there a reason why they were  
20 allowing it to happen? I think that would be  
21 something that would have to be evaluated on a  
22 case-by-case basis.

23 Q. But in your two years in the narcotics  
24 unit, you never heard of anything like that?

1 A. No, ma'am.

2 Q. Are you familiar with what's been referred  
3 to as the black book within the narcotics unit that  
4 records arrests or the number of arrests that are  
5 made from the officers or detectives within that  
6 unit?

7 A. I never heard of it referred to as the  
8 black book, but I am familiar with the arrest book  
9 that was kept.

10 Q. Okay. What color is it?

11 A. At the time, I think it was a blackish,  
12 brownish, with a red binder.

13 Q. And to your knowledge, is it still  
14 maintained within the narcotics unit?

15 A. Yes.

16 Q. And what type of information is contained  
17 within that book?

18 A. Date of the arrest, person arrested,  
19 incident number, crime, and the detective or officer  
20 that made the arrest.

21 Q. And what was your understanding of the  
22 purpose of having that book in the unit?

23 A. Make it easier to keep stats.

24 Q. Did you -- was there a feeling of healthy



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1 competition among the officers there to have higher  
2 stats than other officers in the unit?

3 A. Yes.

4 Q. Were you ever, either formally or  
5 informally, or given the impression or told  
6 specifically to have any certain number of arrests  
7 or quota, to fill a quota within a certain time  
8 period?

9 A. No, ma'am.

10 Q. And while you were in the narcotics unit,  
11 was Sergeant Fegan in that unit with you for the  
12 entire two years?

13 A. He wasn't a sergeant.

14 Q. He was a detective; correct?

15 A. Yes.

16 Q. And he was a detective, yes?

17 A. Yes.

18 Q. And was he with you for the entire two  
19 years?

20 A. He may have been reassigned at the very  
21 end of my tenure there up to the DEA task force.

22 Q. Did you ever work with Detective Fegan on  
23 any -- any operations or investigations while you  
24 were in the narcotics unit?

1 A. Yes.

2 Q. And did you have an opportunity to observe  
3 him make any disparaging or racial comments in  
4 connection with either other black officers or the  
5 black citizens within the City of Mount Vernon?

6 A. No.

7 Q. You have never heard him say anything that  
8 was disparaging about minorities or the citizens of  
9 Mount Vernon, generally?

10 A. No.

11 Q. Have you ever heard him say anything that  
12 was disparaging about the City of Mount Vernon?

13 MR. SWEENEY: Objection to form, but you  
14 can answer, if you know.

15 Q. The citizenry of Mount Vernon.

16 A. No.

17 Q. And likewise, have you ever heard or had  
18 conversations with Detective Sergeant Fisher that  
19 indicated or he made racial -- discriminatory racial  
20 remarks, disparaging remarks, about either black or  
21 non-Caucasian officers, detectives, or citizens of  
22 Mount Vernon?

23 A. No, ma'am.

24 Q. From the time you worked in the narcotics

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1 unit to the present day, are you aware of whether  
2 other officers within the department have expressed  
3 concern or displeasure with either detective, now  
4 sergeant, Fegan or Lieutenant Fisher in connection  
5 with disparaging remarks or discriminatory treatment  
6 toward African-Americans within the department or  
7 the citizens of Mount Vernon?

8 MR. SWEENEY: Object to the form of the  
9 question, but you can answer it.

10 A. Are you asking if I ever heard somebody  
11 say that one or both of them are racist?

12 Q. To that extent.

13 A. Yes, I have heard that.

14 Q. And who, generally, have you heard that  
15 from?

16 A. I've heard it as a -- a run-of-the-mill  
17 grapevine, I've heard this, I've heard that.

18 Q. Have police officers ever mentioned in a  
19 conversation with you or in your presence wherein  
20 they expressed their opinion or belief that either  
21 of those two officers were disparaging towards  
22 non-Caucasians, whether in the department or within  
23 the City of Mount Vernon?

24 A. No. People don't have those conversations

1 with me.

2 Q. You had mentioned which officers and  
3 detectives were in the narcotics unit when you first  
4 arrived. Did any of them change? In other words,  
5 at the end of the two years, was it still yourself,  
6 Officer Burke, Detective Fegan, Detective Dimase,  
7 Detective Medina?

8 A. No.

9 Q. Okay. And who came in; and who left? Let  
10 me put this way, who did you have the opportunity to  
11 work with other than those people?

12 A. Police Officer Antinini, Detective Latheia  
13 Smith, Police Officer Greg Addison, Detective  
14 Courtney Besley, Detective Chris Hutchins, Police  
15 Officer Danny Ibanez.

16 Q. Can you spell that?

17 A. I-B-A-N-E-Z.

18 Q. And did you have an opportunity to work  
19 with -- is it Officer Antinini at the time, or --

20 A. Yes, ma'am. Officer.

21 Q. Did you have an opportunity to work with  
22 him on any assignments?

23 A. Yes, ma'am.

24 Q. And approximately how many?

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1           A. When I worked in narcotics, if there was a  
2 search warrant to be executed, we all did it  
3 together. Each individual officer or each  
4 individual team worked on their own investigations.  
5 But when it came to the culmination, we all worked  
6 together. So a lot.

7           Q. So is it fair to say you worked with  
8 Officer Antinini and Detective Fegan in the  
9 execution of search warrants?

10          A. Yes, ma'am.

11          Q. And how about in the execution of making  
12 arrests?

13          A. It would depend on the circumstances.

14          Q. Have you ever been present or involved in  
15 any arrest that officer Antinini has made?

16          A. Yes.

17          Q. And at any of those times, have you  
18 observed Officer Antinini use force that was more --  
19 more force than was reasonably necessary under the  
20 circumstances?

21          A. No, ma'am.

22          Q. Are you aware of whether other people have  
23 complained of Officer Antinini's use of force?

24          A. By "other people" --

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1 Q. Other officers. I apologize.

2 A. No, ma'am.

3 Q. And have you observed Officer Antinini  
4 make any racial, disparaging comments?

5 A. No, ma'am.

6 Q. Are you aware of whether anyone else has  
7 complained within the department about Officer  
8 Antinini making any disparaging comments?

9 A. No, ma'am.

10 [REDACTED]

(Discussion held off the record.)

19  
20 MS. BELLANTONI: All right. So this will  
21 be confidential, for Officer Antinini's  
22 purposes.  
23  
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\*\*\*\*\*START CONFIDENTIAL\*\*\*\*\*

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\*\*\*\*\*END CONFIDENTIAL\*\*\*\*\*

1 Q. Do you know who would have been working  
2 that day or who was working that day?

3 A. I wasn't here. I don't know.

4 Q. After the narcotics unit, where were you  
5 assigned?

6 A. Briefly, back to the intelligence unit.

7 Q. Do you know why Detective Sergeant Fisher  
8 was assigned back to patrol?

9 A. No, ma'am.

10 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

MS. BELLANTONI: Off the -- so this is

15 confidential.

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\*\*\*\*\*START CONFIDENTIAL\*\*\*\*\*

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\*\*\*\*\*END CONFIDENTIAL\*\*\*\*\*



1 Q. And so Sergeant Stufano was then the head  
2 of the narcotics unit?

3 A. Yes, ma'am.

4 MS. BELLANTONI: That's not confidential,  
5 that portion of it.

6 Q. How long did you stay in the intelligence  
7 unit once you transferred out or were reassigned out  
8 of narcotics?

9 A. A couple of weeks.

10 Q. What were the circumstances under which  
11 you were reassigned out of the narcotics unit?

12 A. I don't know.

13 Q. Who made the decision to --

14 A. I don't know.

15 Q. Did you ask to be assigned out of the  
16 narcotics unit?

17 A. No, ma'am.

18 Q. Was there any disciplinary issue during  
19 the time period you were in the narcotics unit?

20 A. No, ma'am.

21 Q. And who supervised you when you were in  
22 the intelligence unit for a couple of weeks?

23 A. Lieutenant Olifiers.

24 Q. And what time period was this that you

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1        were reassigned to the intelligence unit?

2            A.     End of the spring, beginning of the summer  
3            of 2010.

4            Q.     And why weren't you allowed to stay in the  
5            intelligence unit, if you know?

6            A.     I was reassigned to general  
7            investigations.

8            Q.     Did you ask to be reassigned to general  
9            investigations?

10          A.     No, ma'am.

11          Q.     Did you object to being reassigned to  
12          general investigations?

13          A.     No, ma'am.

14          Q.     Who told you you needed to be reassigned  
15          to general investigations?

16          A.     Lieutenant Olifiers.

17          Q.     And who made the decision to reassign you  
18          to general investigations?

19          A.     I don't remember who the commanding  
20          officer was at that time.

21          Q.     Do you know approximately how many arrests  
22          you made while you were in the narcotics unit while  
23          you were there?

24          A.     Not a lot.

1 Q. What would be considered a very productive  
2 arrest level or arrest number for the year in the  
3 narcotics unit, if you know?

4 MR. SWEENEY: Object to the form, but you  
5 can answer.

6 Q. Do you understand the question?

7 A. I understand the question. The --

8 Q. Wait. So let me rephrase that. And I  
9 don't mean your opinion. Generally, what is the  
10 consensus from being in the narcotics unit from the  
11 people in the narcotics unit about what was a highly  
12 productive level or number of arrests per year or  
13 per month?

14 MR. SWEENEY: At what point in time?

15 MS. BELLANTONI: When he was there.

16 A. At least a couple of arrests a week.

17 Q. So between -- so approximately eight  
18 arrests, eight to ten arrests, five to ten arrests  
19 per month?

20 A. Eight to ten arrests would be very  
21 productive.

22 Q. And during the time period that you were  
23 in the narcotics unit for two years, were you able  
24 to observe, from the arrest book, who or what -- the

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1       number of arrests that were made per individual?

2           A. I'm sure I could have. I don't know that  
3 I ever sat down and counted who had the most  
4 arrests.

5           Q. Was it talked about within the unit during  
6 the two years you were there who was the highest  
7 producer or who was bragging about being the highest  
8 producer as far as productivity was concerned?

9           A. It was never really talked about, bragged  
10 about, because the two detectives that were making  
11 the most arrests, they -- we all knew they were  
12 making the most arrests.

13          Q. And who were they?

14          A. Detectives Mason and Fegan.

15          Q. And did they work together or did they  
16 have their own investigations --

17          A. While I was assigned there?

18          Q. Uh-huh.

19          A. They worked separately.

20          Q. And while you were there, when Officer  
21 Antinini came into the unit, was he primarily  
22 assigned to work with -- or did he end up working  
23 mostly with Detective Fegan, or did he work with  
24 other individuals?

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1 A. His primary partner was Detective Fegan.

2 Q. Do you know if they had worked together  
3 before?

4 A. I don't know.

5 Q. All right. How long were you in the  
6 general investigations unit?

7 A. A couple of weeks.

8 Q. And who was your supervisor?

9 A. Sergeant -- or Detective Sergeant Joe  
10 Clarke.

11 Q. And is -- you said Joe?

12 A. Yes.

13 Q. Is it Clarke with an E?

14 A. Yes.

15 Q. Is Detective Sergeant Clarke Caucasian?

16 A. Yes.

17 Q. And at the time that -- at the time that  
18 Sergeant Fisher was supervising or heading up the  
19 narcotics unit, were there any African-American  
20 either police officers or detectives assigned to  
21 that unit?

22 A. Yes, ma'am.

23 Q. And who were they?

24 A. Latheia Smith, Greg Addison, Courtney

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1 Besley. I think that's it.

2 Q. Is Chris Hutchins Caucasian?

3 A. Yes, ma'am.

4 Q. And Chris Ibanez?

5 A. Daniel Ibanez.

6 Q. Is he Caucasian?

7 A. Hispanic.

8 Q. And whose decision was it, if you know, to  
9 have -- in other words, did Sergeant Fisher request  
10 the individuals who made it into his unit or who  
11 were assigned to his unit, or did someone other than  
12 Sergeant Fisher make that determination about who  
13 would be assigned to the narcotics unit?

14 A. While I was there?

15 Q. For those two years, during the time  
16 period that you worked with the individuals you just  
17 named.

18 A. Somebody else was making decisions.

19 Q. And who was that?

20 A. I don't know.

21 Q. Is that the point -- you had mentioned a  
22 female in administration. I don't know if she was  
23 the chief or deputy chief --

24 A. Chief Duncan?

1 Q. Duncan, yeah. And what was her title,  
2 Chief Duncan?

3 A. Chief.

4 Q. And she was African-American?

5 A. No, ma'am.

6 Q. She was Caucasian?

7 A. Yes, ma'am.

8 Q. And would she have made the decisions as  
9 to who would be reassigned in the detective bureau?

10 A. Ultimately, she would have say over any  
11 decisions that were made with her assignments.

12 Q. At that point in time when you were in the  
13 narcotics unit, who -- well, withdrawn.

14 So after a couple of weeks in the general  
15 investigations unit, why is it that you stayed only  
16 in these units for a couple of weeks? Had someone  
17 left and there was an opening that they needed  
18 assistance in that unit, or --

19 A. I was playing pinball because I was  
20 waiting to be promoted. So I wasn't saying no to  
21 anything.

22 Q. Oh, okay. Disconcerting. So what were  
23 you waiting to be promoted to?

24 A. Sergeant.

## SERGEANT ROBERT WUTTKE

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1 Q. When did you take the sergeant's exam?

2 A. First sergeant's exam I took was in 2006.

3 Q. Okay. And where did you place on the  
4 sergeant's exam?

5 A. Number one.

6 Q. And the list came out in 2006?

7 A. I don't remember when the list was  
8 certified. It was either the end of 2006 or  
9 beginning of 2007.

10 Q. And how many positions were open at that  
11 time?

12 A. When the list was certified, ma'am?

13 Q. Yes.

14 A. I don't know.

15 Q. Okay. Do you know who was behind you in  
16 second, third, fourth?

17 A. Yes, ma'am.

18 Q. And who was that?

19 A. Vinny Dellamura, Joe Starace, Ed McCue,  
20 Rob Scott, Vinny Stufano.

21 Q. In that order or just randomly?

22 A. No. I'm pretty sure that was the order.  
23 There was more people on the list, but I don't  
24 remember the -- you know, the rest of it.

1 Q. So were you promoted off that list?

2 A. No, ma'am.

3 Q. Who was promoted off the 2006, early 2007  
4 sergeant's list?

5 A. Vinny Dellamura, Joe Starace, Rob Scott,  
6 Vinny Stufano.

7 Q. And when did you next take the sergeant's  
8 exam?

9 A. 2009.

10 Q. And what was your position when the list  
11 was certified?

12 A. Two.

13 Q. Who was number one?

14 A. Greg Addison.

15 Q. And do you know who's behind you?

16 A. No. I know some of the names that were on  
17 the list. I don't know the order.

18 Q. Who was promoted off the 2009 list?

19 A. Myself, Greg Addison, Sean Fegan, Adam  
20 Grisanti --

21 Q. Can you spell that?

22 A. Grisanti, G-R-I-S-A-N-T-I. Steven Sexton,  
23 Jennifer Carpenter, Sean Harris, Anthony Mitchell --

24 Q. They were all promoted?

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1           A. Yes, ma'am. Anthony McEachin. I think  
2 that's everyone. Giglio Rucci [ph.].

3           Q. Was there a big turnover in employment  
4 during that time period?

5           A. There's always a big turnover in Mount  
6 Vernon.

7           Q. Do you know why?

8           A. Because we don't get paid enough to do the  
9 work we do.

10          Q. Do you know if the sergeants and officers  
11 that are on the job, do they live in Mount Vernon?  
12 Do they live in the community?

13          A. Some do. Some don't.

14          Q. All right. So you were promoted off of  
15 the 2009 sergeant's list; correct?

16          A. Yeah. I was promoted in June of 2010.

17          Q. Any disciplinary issues between the time  
18 that you started the narcotics unit and the time you  
19 were promoted in June 2010?

20          A. No, ma'am.

21          Q. And what was your assignment at that time,  
22 in June of 2000 --

23          A. I was assigned as a patrol sergeant.

24          Q. And how many patrol sergeants were there?

SERGEANT ROBERT WUTTKE

1 A. Ten.

2 Q. Who did you report to?

3 A. Lieutenant Vincent Manzione.

4 Q. And how long did you stay in that  
5 position?

6 A. As a patrol sergeant, ma'am?

7 Q. Yes.

8 A. Until October of 2010.

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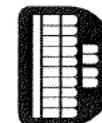
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SERGEANT ROBERT WUTTKE

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\*\*\*\*\*START CONFIDENTIAL\*\*\*\*\*

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[REDACTED]



1 [REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
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[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]

## SERGEANT ROBERT WUTTKE

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A vertical column of black redaction bars, likely representing a list of names or sensitive information that has been obscured for privacy. The bars vary in length and are positioned at regular intervals.



72

SERGEANT ROBERT WUTTKE

1 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
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24 \*\*\*\*\*END CONFIDENTIAL\*\*\*\*\*



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1           Q. During the time that you worked up until  
2 this point in time, in the department, had anyone,  
3 either directly accused you, or had you heard of  
4 people having conversations or expressing the  
5 opinion that you were bias or that you were racist  
6 toward non-Caucasians?

7           A. Yes, ma'am.

8           Q. Okay. And did I ask you that question  
9 before? I don't think I did.

10          A. I don't know.

11           MR. SWEENEY: We were expecting it though.

12          Q. During what time period?

13          A. I heard it throughout my career.

14          Q. Oh, okay. Do you have any reason to know  
15 why anybody would -- would make those comments or  
16 think that you would be racist?

17          A. I have no idea. Perhaps it's because of  
18 the way I look.

19          Q. Do you have any tattoos or markings that  
20 would indicate to someone that you may not be  
21 favorable toward non-Caucasians?

22          A. No.

23          Q. Okay. Do you belong to any organizations  
24 that are not favorable toward non-Caucasians?

1 A. No.

2 Q. Other than how you look, have you had any  
3 negative interaction with individuals who are not  
4 Caucasian that may have been interpreted as your  
5 being racist as opposed to a personality conflict?

6 A. Negative interactions as far as what?

7 Q. Just on the job, you had a disagreement  
8 with someone who may not be Caucasian, and it's, in  
9 your opinion, maybe more of a personality conflict  
10 rather than a racist view toward that individual or  
11 that group of individuals.

12 A. As a police officer, I have been accused  
13 numerous times of only doing what I'm doing because  
14 the person is black and I am white.

15 Q. And what types of things or decisions have  
16 you made that have been challenged under the  
17 category of being racist?

18 A. Everything from writing a parking summons  
19 to making an arrest to whether or not a police  
20 report is going to be written.

21 Q. Okay. So we are talking about things that  
22 involve the general community then and as you made  
23 as a police officer in that context?

24 A. No. I've even heard it from police

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1 officers, that you only wrote him a ticket because  
2 he's black.

3 Q. And what police officers have directly  
4 made those statements to you?

5 A. I have heard it from several people.

6 Q. Can you just name, to the best of your  
7 recollection, who has accused you within the  
8 department of being racist or for making decisions  
9 based on someone's race?

10 MR. SWEENEY: Objection to the form of the  
11 question. But you can answer it, if you  
12 understand it.

13 A. You want names of people that have accused  
14 me of being a racist?

15 Q. Yes.

16 A. Is -- is that what you're asking?

17 Q. Yup.

18 A. Directly to my face, I have heard it from  
19 Sergeant Krista Mann, now deceased Detective Stanley  
20 Rice. Those are the only names I can think of off  
21 the top. I have heard it in a joking manner from  
22 other officers, but very clearly in a joking manner,  
23 usually after having heard -- you know, kind of  
24 mocking what had been said already.

1 Q. And the other officers are non-Caucasian?

2 A. Some were. Some weren't.

3 Q. So even white officers have made jokes  
4 or --

5 A. Yes, ma'am.

6 Q. -- or have disguised their comments as  
7 jokes in connection with them believing you were  
8 racist or you did something that lead someone  
9 thinking you were racist?

10 A. Yes, ma'am.

11 MR. SWEENEY: Objection to form. But you  
12 can answer it, if you understand it.

13 THE WITNESS: Can we take a 30-second  
14 break, because I need to use the restroom.

15 MS. BELLANTONI: Absolutely.

17 (Recess taken.)

19 BY MS. BELLANTONI:

20 Q. When you were promoted to sergeant along  
21 with -- there were a lot of people that were  
22 promoted along with you that you had mentioned. Do  
23 you recall, approximately, how many people had  
24 gotten promoted --

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1           A. There's a little confusion. When I was  
2 promoted to sergeant, it was just myself and Greg  
3 Addison.

4           Q. Okay.

5           A. Off of that list was all those other  
6 people.

7           Q. Got it. At different times?

8           A. Yes, ma'am.

9           Q. And everybody who was promoted off of that  
10 list, they were promoted within the same year, if  
11 you know? Or how long does the list last?

12          A. That particular list, I don't know. It  
13 could be up to four years long, as per the state.

14          Q. And when you were promoted, you were  
15 promoted by Commissioner Bell?

16          A. No, ma'am.

17          Q. Who promoted you? Who was the  
18 commissioner at the point in time you were promoted?

19          A. Didn't have a commissioner.

20          Q. Whose duties and responsibilities -- was  
21 there a deputy commissioner?

22          A. No, ma'am.

23          Q. Who was at the head --

24          A. Chief Duncan.

1 Q. Okay. Chief Duncan. And at what point in  
2 time did Commissioner Bell take the position as  
3 commissioner?

4 A. The end of the summer, beginning of the  
5 fall.

6 Q. Didn't you testify that you were promoted  
7 on October 17th, 2010?

8 A. No, ma'am.

9 Q. Okay. When was your promotion then?

10 A. June of 2010.

11 Q. June.

12 A. October 17th was when I was notified I was  
13 being demoted.

14 Q. Oh, okay. When you were in the position  
15 of patrol sergeant, how many individuals did you  
16 supervise?

17 MR. SWEENEY: At what point in time?

18 MS. BELLANTONI: Until he was no longer  
19 patrol sergeant.

20 MR. SWEENEY: As opposed to current  
21 duties?

22 MS. BELLANTONI: Yeah. So just -- so from  
23 June of 2010 until October of 2010. Yup.

24 Q. When you were working in the capacity as a

SERGEANT ROBERT WUTTKE

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1 patrol sergeant, how many people did you supervise?

2 A. I think I had nine or ten officers  
3 assigned to my squad.

4 Q. And were there any African-American  
5 officers assigned to that squad?

6 A. Yes, ma'am.

7 Q. And who were they, if you can recall?

8 A. Montega Day [ph.], Nick Smith, Behia  
9 Morris [ph.] --

10 Q. Can you spell that?

11 A. No, I can't.

12 Q. Okay. Morris --

13 A. Sorry.

14 Q. That's fine.

15 A. Morris. Yes, ma'am.

16 Q. Morris, M-O-R-S-E or M-O-R-R-I-S?

17 A. M-O-R-R-I-S.

18 Q. Okay.

19 A. Bear with me one moment. I think that's  
20 it.

21 Q. Okay. And so, of the ten, three were  
22 African-American?

23 A. That I can remember, yes.

24 Q. Okay. And so just to recap, you were

1 assigned to operations in December of 2010?

2 A. No. From October to December.

3 Q. From October to December. Okay. And then  
4 where were you assigned?

5 A. Back to patrol.

6 Q. Okay. And so how long did you stay -- and  
7 you were assigned to a patrol squad; correct?

8 A. Yes, ma'am.

9 Q. How long were you in that position?

10 A. Just over a year.

11 Q. And who did you report to?

12 A. Lieutenant Dennis Lifrieri.

13 Q. Did you work with a partner when you were  
14 working on patrol?

15 A. At that time? No, ma'am.

16 Q. At any time?

17 A. Yes, ma'am.

18 Q. When, before then?

19 A. In the beginning of my career, I worked  
20 what we referred to as sector baker, which is  
21 traditionally a two-man patrol.

22 Q. Was that with your field training officer  
23 or just another patrolman?

24 A. Just another patrolman.

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1 Q. Did you have any disciplinary proceedings  
2 between the time that you were placed back in patrol  
3 and when you were no longer in the patrol squad in  
4 2011?

5 A. That was up until 2012. I'm sorry if I  
6 misspoke. But no, I did not.

7 Q. [REDACTED]

8 [REDACTED]  
9 MS. BELLANTONI: Well, just mark this as  
10 confidential.

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1 \*\*\*\*\*START CONFIDENTIAL\*\*\*\*\*

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

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21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 \*\*\*\*\*END CONFIDENTIAL\*\*\*\*\*



SERGEANT ROBERT WUTTKE

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Q. And where were you assigned?

A. The detective's division.

Q. And who reassigned you there?

A. Trying to think who was in charge at that particular moment. I believe it was either Deputy Chief or Chief John Roland.

Q. Roland?

A. Roland.

Q. Was Commissioner Bell still the commissioner?

A. Actually, yes, you are right. He was. He was still the commissioner. So it would have been Commissioner Bell.

Q. Oh, okay.

A. I'm sorry. I forgot.

Q. It's okay. So it would have been Commissioner Bell that made that decision and not a



1 deputy chief?

2 A. Correct.

3 Q. And were you approached by someone letting  
4 you know you were going to be reassigned, or had you  
5 been putting the word out, or did you approach  
6 someone to try to be reassigned out of patrol?

7 A. I was approached months prior to my  
8 reassignment and asked, and I declined. And I said,  
9 if I change my mind or when I feel that I am ready,  
10 I will let you know.

11 Q. And who approached you?

12 A. Captain Dante Barrera.

13 Q. Do you know why he approached you?

14 A. He had been a supervisor in the detective  
15 division when I had worked up there originally. He  
16 knew my work ethic. He knew what I was capable of.  
17 And he felt that I was wronged by the police  
18 department, and I think he felt that that was the  
19 right thing to do.

20 Q. To your knowledge, has anyone ever accused  
21 Captain Barrera of making racial comments or being  
22 racially disparaging towards non-Caucasians?

23 A. No.

24 Q. So did you -- was it the case that then

SERGEANT ROBERT WUTTKE

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1 you went back to Captain Barrera --

2 A. No, ma'am.

3 Q. -- and eventually -- so how did it go  
4 about that you were reassigned into the detective  
5 bureau?

6 A. After Captain Barrera passed away,  
7 Lieutenant Manzione was put in charge. I had gotten  
8 my wits about me, gotten myself back in a place  
9 where I thought that I would be capable, able, and  
10 willing to do the detective work again. And I  
11 approached Lieutenant Manzione.

12 Q. And to what unit were you assigned in the  
13 detective bureau?

14 A. General investigations.

15 Q. And how long did you stay in general  
16 investigations?

17 A. Year-and-a-half. Just under that.

18 Q. So 2013, 2014?

19 A. To the middle of 2013.

20 Q. And who was your supervisor in general  
21 investigations?

22 A. Depending on the particular moment,  
23 Lieutenant Manzione, Sergeant Stufano, or Sergeant  
24 McEachin or -- I'm sorry -- Captain Adinaro.

1 Q. And when were you reassigned from the  
2 general investigations unit?

3 A. May or June of 2013.

4 Q. And where were you reassigned to?

5 A. Major case squad.

6 Q. Was that still in the detective division?

7 A. Yes, ma'am.

8 Q. Is that something that you requested, or  
9 did they just move you?

10 A. They moved me.

11 Q. Who made that decision?

12 A. Captain Adinaro.

13 Q. Do you know?

14 A. Yes. Because they had -- excuse me. They  
15 hadn't had a major case squad or major case unit in  
16 several years. They were forming a major case unit  
17 again. Captain Adinaro approached me and told me  
18 that he was reassigning me there.

19 Q. During the time period that you were in  
20 the general investigations unit, your title was  
21 police officer or patrolman?

22 A. Yes, ma'am.

23 Q. And did you conduct investigations on your  
24 own during that time period?

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1 A. Yes, ma'am.

2 Q. Did you have a conversation with anyone in  
3 connection with whether you were going to be  
4 provided with your gold shield or promoted to  
5 detective, considering the number of months or years  
6 that you had --

7 A. No.

8 Q. -- been in the detective division?

9 A. No, ma'am.

10 Q. Did it cross your mind that -- well,  
11 withdrawn.

12 Did you speak with anyone about your  
13 desire to be promoted, or even if you had the desire  
14 to be promoted to detective?

15 A. At that time?

16 Q. At any time.

17 A. Yes.

18 Q. When?

19 A. Before I was promoted to sergeant in 2010.

20 Q. And who did you talk to?

21 A. Captain Barrera.

22 Q. And what did he say?

23 A. There's no detective shields available  
24 right now.

1           Q.    Was that because there was no line or  
2 there was nothing in the budget for a detective spot  
3 or no opening in the detective spot?

4           A.    That's what I believed. I'm sorry.

5           That's what I believe he meant by that.

6           Q.    Okay. Did you come to learn that it meant  
7 something else?

8           A.    No, ma'am.

9           Q.    And in 2010, who would have made the  
10 decision to promote you to detective?

11          A.    Decision would have been made by the  
12 mayor.

13          Q.    Who was the mayor at that time?

14          A.    Clinton Young.

15          Q.    And who was the commissioner?

16          A.    Depends on when in 2010. At the time,  
17 when I was questioning whether I was going to get a  
18 detective shield, we didn't have a commissioner.

19          Q.    Who was the deputy commissioner?

20          A.    We didn't have one of those back then. It  
21 would have been Chief Duncan.

22          Q.    Was it Chief Duncan?

23          A.    Yes, ma'am.

24          Q.    And was there a point in time in 2010 when

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1 there was a commissioner? That would have been  
2 Commissioner Bell?

3 A. There you go.

4 Q. And we know why that didn't happen or  
5 wasn't going to happen. Okay. So once you had gone  
6 back to the detective division in either general  
7 investigations or major case squad, did you bring up  
8 the topic of being promoted to detective or getting  
9 a gold shield?

10 A. No, ma'am.

11 Q. Did it cross your mind?

12 A. Yes, ma'am.

13 Q. And did you talk to anybody about?

14 A. No, ma'am.

15 Q. Why?

16 A. Didn't matter that much.

17 Q. Why?

18 A. Because it's financially not that much  
19 more money, and after I had seen some of the people  
20 that were issued detective shields that weren't  
21 deserving of them, it didn't really mean anything to  
22 me.

23 Q. Lost its value?

24 A. Yes, ma'am.

1           Q.    Can you please provide some examples of  
2 individuals who received their detective shield  
3 that, in your opinion or even other people's  
4 opinions, shouldn't have or didn't earn that  
5 promotion?

6           A.    Kelly Marlow, Patrick Gene Jerome. Those  
7 are the two that stick out in my head right now.

8           Q.    Okay. And what was the consensus as to  
9 why, if there was a consensus, or talk within the  
10 department why Kelly Marlow shouldn't have been  
11 promoted to detective?

12          A.    She didn't work in the detective division.

13          Q.    Who made the decision, if you know, to  
14 promote her?

15          A.    I believe it was requested by then  
16 Commissioner Chong to whoever the mayor was at that  
17 time.

18          Q.    Clinton Young?

19          A.    I don't know if it was Clinton Young or if  
20 it was Ernest Davis.

21          Q.    Do you know whether -- or do you know  
22 under what circumstances Chong had requested that --

23          A.    No, I don't.

24          Q.    Did they have any relationship? Did they

## SERGEANT ROBERT WUTTKE

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1 know each other prior to the promotion? Or did they  
2 have a social relationship, if you know?

3 A. She worked as his secretary.

4 Q. Before she became a police officer?

5 A. While she was a police officer. I'm  
6 sorry. She worked as his clerk, administrative  
7 clerk.

8 Q. He was commissioner; correct?

9 A. Yes, ma'am.

10 Q. For how long did she work as his  
11 administrative clerk, if you know?

12 A. I don't know. I don't know.

13 Q. Okay. Was -- prior to being promoted to  
14 detective, was she assigned -- prior to being the  
15 administrative clerk, was she assigned to patrol?

16 A. Yes, ma'am.

17 Q. Had she ever been assigned anywhere but  
18 patrol before --

19 A. Yes, ma'am.

20 Q. Okay. Where?

21 A. Personnel.

22 Q. And do you know what position she held in  
23 personnel?

24 A. The personnel officer.

1           Q. Is it your understanding that personnel  
2 officers, at any time, conduct investigations?

3           A. I'm sorry. Do --

4           Q. Yes. The personnel officer title, does  
5 that involve conducting investigations of any kind?

6           A. No, ma'am.

7           Q. Okay. And what was either your opinion or  
8 the rumor or consensus in the department as to why  
9 Gene Jerome should not have been awarded the gold  
10 shield?

11          A. He hadn't done any detective work at that  
12 point.

13          Q. Who made the decision to -- to give him  
14 that promotion?

15          A. Chief Duncan.

16          Q. Do you know, or is there speculation as to  
17 why that decision was made?

18          A. My speculation was because he was the PBA  
19 president at the time.

20          Q. And during that time period that he was  
21 the PBA president and/or -- withdrawn.

22                 Did he resign as the PBA president when he  
23 was promoted to detective?

24          A. No, ma'am.

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1           Q. Are you aware of any complaints by PBA  
2 members that grievances were not being filed at any  
3 time when Gene Jerome was the PBA president prior to  
4 his becoming detective?

5           A. I'm not aware of any.

6           Q. What about after he became detective?

7           A. I'm not aware of any.

8           Q. It's your testimony that he had never been  
9 assigned to the detective division --

10          A. No.

11          Q. -- prior to being promoted?

12          A. That was not my testimony.

13          Q. Okay. So let's be clear then. What, if  
14 any, experience or assignments did he have to the  
15 detective division prior to being promoted to  
16 detective, if you know?

17          A. He worked in -- he worked in RCIU, which  
18 is our criminal identification unit.

19          Q. Do you know for how long?

20          A. I don't know the time frame, no.

21          Q. Could it have been at least 18 months?

22          A. I guess it could have been. It could have  
23 been. I don't think it was, but it could have been.

24          Q. Okay. Anyone else that should have gotten

1 the -- withdrawn.

2               Anyone else that received a gold shield  
3 that, in your opinion, or was the general consensus  
4 that did not deserve it?

5               A. Can you just rephrase or give me the time  
6 frame that we're talking about again?

7               Q. Between 2010 and the present date.

8               A. And the present date?

9               Q. Uh-huh.

10          A. Oh, I can name plenty more.

11          Q. Okay.

12          A. Johnny Camacho.

13          Q. When was that?

14          A. Just recently.

15          Q. Who made that decision?

16          A. Whoever was in charge now.

17          Q. Who's in charge now?

18          A. I'm trying to think of when his promotion  
19 was. I believe it was -- I think Commissioner Kelly  
20 was the commissioner at the time and the mayor,  
21 Richard Thomas.

22          Q. Anyone else?

23          A. Michael Plunkett [ph.] .

24          Q. Who made that decision?

SERGEANT ROBERT WUTTKE

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1           A.     Same time frame.   So it would have been  
2     Mayor Thomas.

3           Q.     Anyone else?

4           A.     Paul Roland.   That was a while ago though.  
5     I'm sorry.   I should have mentioned that one  
6     earlier.

7           Q.     And what year was that, approximately?

8           A.     2009 or 2010.

9           Q.     Anyone else?

10          A.     Richard Arzon.

11          Q.     Can you spell that?

12          A.     A-R-Z-O-N.

13          Q.     And what's the time frame?

14          A.     Richard Arzon was just recently, under  
15     Mayor Thomas.

16          Q.     And why do you feel that Richard Arzon  
17     should not have been promoted?

18          A.     He's never worked in the detective  
19     division or done investigations.

20          Q.     Same with Paul Roland?

21          A.     Paul did work in the detective division,  
22     but the time he was given the detective shield, he  
23     was our property clerk.

24          Q.     Officer Plunkett?

1           A.    Never worked in the directive division or  
2 done investigations.

3           Q.    Officer Camacho?

4           A.    Same thing.

5           Q.    Anybody else?

6           A.    I think that's it.

7           Q.    Richard Arzon is Caucasian?

8           A.    Hispanic.

9           Q.    Paul Roland?

10          A.    White.

11          Q.    Plunkett?

12          A.    White.

13          Q.    Camacho?

14          A.    Is Hispanic.

15          Q.    Kelly Marlow?

16          A.    White.

17          Q.    Gene Jerome?

18          A.    Black.

19          Q.    Now, the flip-side. Are you aware of any  
20 individuals who worked in the detective bureau, did  
21 investigations or who worked there for at least 18  
22 months who were not awarded, other than yourself,  
23 the detective shield?

24          A.    Yes.

SERGEANT ROBERT WUTTKE

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1 Q. Who?

2 A. Detective Edward McCue.

3 Q. Anyone else?

4 A. I'm trying to think of other people. You  
5 just got to bear with me. It's a lot of names to go  
6 through in my head.

7 Q. Take your time.

8 A. Detective Antinini.

9 Q. When did he get his shield? You said  
10 "detective." So ultimately, he was awarded --

11 A. The same day that I got my shield.

12 Q. Okay. When was that?

13 A. Beginning of January, 2014.

14 MR. SWEENEY: So this is a category --  
15 just so I'm clear, this is a category of  
16 officers that either didn't get a detective  
17 shield or didn't get it after 18 months?

18 THE WITNESS: That's how I understood the  
19 question.

20 MS. BELLANTONI: Yes. Yup.

21 Q. Did Officer McCue eventually get the  
22 shield?

23 A. Yes, sir. Yes, ma'am. I'm sorry. I  
24 apologize.

1 Q. That's all right. And when was that?

2 A. I don't remember.

3 Q. Okay. And anyone else?

4 A. Wendel Griffin. Or Wendel. I'm not  
5 really a hundred percent sure how to pronounce his  
6 name.

7 Q. Have you been criticized for not  
8 pronouncing his name correctly?

9 A. No, ma'am, because I never pronounce his  
10 first name.

11 Q. Did he eventually get his shield?

12 A. Yes, ma'am.

13 Q. And when was that, do you know?

14 A. Same time I did, January of 2014.

15 Q. Who made the decision to award the shields  
16 in January of 2014?

17 A. Who was in charge then? Mayor Davis was  
18 the mayor. Commissioner Raynor was the  
19 commissioner.

20 Q. But do you know who, I guess, initiated  
21 the process and under what circumstances --

22 A. No, I'm not aware. I was told one day by  
23 Captain Adinaro that, you have done more than 18  
24 months. Thursday, you are getting your shield.

SERGEANT ROBERT WUTTKE

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1 Q. Anybody else?

2 A. Off the top of my head, I can't think of  
3 anybody else.

4 Q. Other than yourself, Detective Antinini  
5 and Detective Griffin, in January of 2014, did  
6 anyone else receive their detective shield?

7 A. Yes, ma'am.

8 Q. And who would that be?

9 A. I know Montega Jones was there.

10 Q. Is she the wife of David Jones?

11 A. Yes, ma'am.

12 Q. And had she worked in the detective  
13 division?

14 A. Yes, ma'am.

15 Q. Do you know for how long?

16 A. No, ma'am.

17 Q. Anyone else?

18 A. There was somebody else. And for the life  
19 of me, I can't remember who it was.

20 Q. Was it another female officer?

21 A. I can't remember.

22 Q. Do you know whether that individual ever  
23 worked in the detective division -- that individual  
24 ever worked or served in the detective division?

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SERGEANT ROBERT WUTTKE

1 A. Yes, ma'am.

2 Q. Okay. And where were they assigned; do  
3 you know?

4 A. I don't know, because I can't remember who  
5 it was. I want to say it was now detective Jamie  
6 McKinney, but I'm not a hundred percent sure.

7 Q. At the time that you and Detective  
8 Antinini, Detective Griffin, Detective Jones, and  
9 possibly Detective McKinney, were awarded gold  
10 shields, were all of you -- or were each of these  
11 individuals presently assigned to and working in the  
12 detective division?

13 A. Yes, ma'am.

14 Q. Is it your understanding that, in order to  
15 receive a gold shield for individuals to have worked  
16 for at least 18 months in an investigative capacity  
17 in the detective division, that, at the time that  
18 they were awarded the gold shield, that they have to  
19 presently, you know, under the policy and procedure  
20 of the department -- have to presently be working in  
21 the detective division?

22 A. I don't know.

23 Q. Or detective capacity?

24 A. I don't know.

SERGEANT ROBERT WUTTKE

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1 Q. All right. So after you were assigned in  
2 May or June of 2014 to the major case squad, how  
3 long did you spend in that squad?

4 A. Four months. Five months.

5 Q. And then where were you assigned?

6 A. Back to general investigations.

7 Q. And why? Under what circumstances?

8 A. They were short in general investigations,  
9 and I was the junior officer, junior person in the  
10 detective division that was assigned to the major  
11 case squad.

12 Q. And how long did you spend in general  
13 investigations?

14 A. Until February of 2014.

15 Q. And by that time, you had already received  
16 your shield?

17 A. I received my shield in January of 2014.

18 Q. And then where were you assigned in  
19 February of 2014?

20 A. Back to patrol.

21 Q. In what capacity?

22 A. Sergeant.

23 Q. Who made that decision?

24 A. Mayor Davis was the mayor. Commissioner

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SERGEANT ROBERT WUTTKE

1 Raynor was the commissioner.

2 Q. Okay. But do you know who made the  
3 decision, who made the recommendation that you be  
4 reassigned to patrol?

5 A. That's -- in my experience, this is the  
6 usual protocol when you get promoted to sergeant.

7 Q. Oh, that's when you made your promotion?

8 A. I got promoted in February of 2014.

9 Q. Okay. A month after you got your shield?

10 A. Yes, ma'am.

11 Q. Were you already on the list at the point  
12 in time that you received your detective shield?

13 A. Yes, ma'am.

14 Q. And how long did you remain as a patrol  
15 sergeant?

16 A. Still am, ma'am.

17 Q. Okay. So from February 2014 to the  
18 present?

19 A. Yes, ma'am.

20 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

SERGEANT ROBERT WUTTKE

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2 MS. BELLANTONI: Okay. So this is  
3 confidential.

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\*\*\*\*\* START CONFIDENTIAL \*\*\*\*\*

SERGEANT ROBERT WUTTKE

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1

[REDACTED]



106

SERGEANT ROBERT WUTTKE

1 [REDACTED] [REDACTED]  
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[REDACTED] [REDACTED] [REDACTED]  
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## SERGEANT ROBERT WUTTKE

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SERGEANT ROBERT WUTTKE

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SERGEANT ROBERT WUTTKE

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[REDACTED]



This image shows a vertical column of black bars of varying lengths, likely a film strip or a decorative pattern. The bars are arranged in a grid-like structure, with some bars being longer and others shorter, creating a rhythmic pattern. The bars are set against a white background.

SERGEANT ROBERT WUTTKE

111

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[REDACTED]

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\*\*\*\*\*END CONFIDENTIAL\*\*\*\*\*



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SERGEANT ROBERT WUTTKE

1 Q. I'm going to turn your attention to your  
2 supervision of Officer Bovell.

3 A. Uh-huh.

4 Q. So at some point in time, Officer Bovell  
5 returned to patrol from the detective bureau;  
6 correct?

7 A. Yes.

8 Q. Do you remember at what point in time that  
9 was?

10 A. No.

11 Q. All right. I'm going to show you what's  
12 been marked as Plaintiff's Exhibit Number 3 -- 13,  
13 which is Bates stamped number 0009, which is a  
14 personnel order. Does that refresh your  
15 recollection as to when Officer Bovell was  
16 transferred to patrol?

17 A. Yeah. January 1st, 2014.

18 Q. And at that time, was he assigned to your  
19 squad?

20 A. No, ma'am.

21 Q. Whose squad, if you can recall, was he  
22 assigned to?

23 A. I don't know. I was still in the  
24 detective division on January 1st of 2014.

## SERGEANT ROBERT WUTTKE

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1           Q. Just -- okay. So in February, when you  
2 were promoted and went to the position of a patrol  
3 sergeant, at that point in time, was Officer Bovell  
4 assigned to your squad?

5           A. We didn't have the same squad system as we  
6 did when I was first a patrol sergeant. I was in a  
7 squad of myself, another sergeant, and lieutenant.  
8 There was squads assigned to day tours, 4 to 12s,  
9 midnights. I worked a rotating shift. So he was  
10 not assigned to my squad.

11          Q. Okay. Did you have supervisory authority  
12 over him at any point in time after he was  
13 transferred back into patrol?

14          A. Yes, ma'am. After my transfer back.

15          Q. After his transfer there, and you got  
16 there after your promotion?

17          A. Yes, ma'am.

18          Q. So from that point in time until the time  
19 that Officer Bovell was out on leave in and around  
20 September of 2014, how often were your schedules  
21 aligned? In other words, what was your -- what was  
22 the regularity of your supervision over Officer  
23 Bovell?

24          A. To the best of my recollection, it was

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SERGEANT ROBERT WUTTKE

1 either one day or two days every three weeks.

2 Q. Had you had any prior contact or  
3 experience with Officer Bovell, either in a  
4 professional or social context?

5 A. Of course.

6 Q. Okay. Yes?

7 A. Yes, ma'am. I'm sorry.

8 Q. Okay. And what had been your interaction  
9 with Officer Bovell?

10 A. When I was in the detective division, he  
11 was working narcotics. So we would see each other  
12 at work. I'm sure there were times that either he  
13 or I worked overtime or we could have both been  
14 working overtime and ended up crossing paths.

15 Q. Did you ever work together on any specific  
16 assignments?

17 A. Not that I can recall.

18 Q. And when you said you worked in the  
19 narcotics unit, was that the two solid years that  
20 you were assigned there or a different point in  
21 time?

22 A. No. I said he worked in narcotics. I was  
23 assigned to the detective division. He was assigned  
24 to narcotics, which is part of the detective

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1 division.

2 Q. Yes. Okay. So that's not -- so you were  
3 in the detective division, but not in the narcotics  
4 unit?

5 A. That's correct.

6 Q. Where were you assigned?

7 A. General investigations.

8 Q. And what was the time frame?

9 A. I was in general investigations from 2012  
10 to 2000 -- middle of 2013 and then back again at the  
11 end of 2013.

12 Q. So was it during that time frame that you  
13 were both working, at some point, in the detective  
14 division?

15 A. Yes.

16 Q. Being in two different units, you had no  
17 common investigations and no opportunity to work  
18 with each other; correct?

19 A. Correct.

20 Q. Okay. So at some point in time, you were  
21 asked to conduct a performance evaluation on Officer  
22 Bovell?

23 A. Yes.

24 Q. A yearly evaluation; correct?

1 A. Yes, ma'am.

2 Q. How often were those yearly evaluations  
3 done -- that was silly.

4 At what point during the year are the  
5 yearly evaluations typically conducted?

6 A. April.

7 Q. And before April of 2014, had you  
8 evaluated any subordinates in the manner in which  
9 you were evaluating Officer Bovell and others in  
10 April of 2014?

11 A. I may have done end-of-probation  
12 evaluations the first time I was a supervisor in  
13 2010, but annual personnel evaluation on an officer  
14 that was not coming off probation that had been with  
15 the department, I don't recall ever doing -- well,  
16 that was the first set of evaluations I did.

17 Q. Okay. And when you are doing  
18 end-of-probation evaluations, is it the case that  
19 you are typically just making sure that the person  
20 is competent for the position and hasn't deviated  
21 from the policies and procedures significantly, such  
22 that they shouldn't be recommended for termination?

23 A. We use the exact same form.

24 Q. Okay.

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1           A.     So the structure is exactly the same.   But  
2 it's just to -- I don't know the purpose of it,  
3 aside from documentation that they have completed  
4 their probation, and the supervisor is signing off  
5 on it.

6           Q.     So if -- so as you sit here, you are not  
7 sure whether you even conducted those evaluations in  
8 2010?

9           A.     Yeah.   I don't know if I did.   I think I  
10 did, but I am not going to say I did a hundred  
11 percent.

12          Q.     And if you did, at the most, the  
13 individual or individuals that you evaluated, you  
14 would have been supervising for two months?

15          A.     Yes, ma'am.

16          Q.     Who would -- who, in 2010, assigned you  
17 the tasks of evaluating individuals that you, at  
18 most, had supervised for a period of two months?

19          A.     End-of-probation evaluations have to be  
20 done by the supervisor that is currently assigned as  
21 the squad supervisor.

22          Q.     Is that a written policy?

23          A.     I don't know.

24          Q.     Is that a policy nonetheless, as you

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SERGEANT ROBERT WUTTKE

1 understand it?

2 A. Uh-huh.

3 Q. How long is probationary period?

4 A. 18 months.

5 Q. And when you are conducting those  
6 investigations, did you seek input from the  
7 individual who supervised them during the preceding  
8 16 months?

9 A. Yes.

10 Q. And do you recall who that was in 2010?

11 A. No.

12 Q. Okay. So in April of 2014, you conducted  
13 the annual evaluations for the people that you were  
14 supervising in patrol; correct?

15 A. Yes, ma'am.

16 Q. Who -- who were they? Who were you  
17 evaluating in April of 2014?

18 A. I would have to see a list to give you a  
19 hundred percent of the names. I know Police Officer  
20 Pacino is on there, Police Officer O'Rourke, Police  
21 Officer Bovell, Police Officer Williams. I know  
22 there's more. I can't remember who else is on the  
23 list. I would need to see the list.

24 Q. Who was those individuals' supervisor

## SERGEANT ROBERT WUTTKE

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1 prior to your moving into the position of patrol  
2 sergeant?

3 A. I don't know.

4 Q. Had you supervised each of the individuals  
5 that you named from February 2014 to April of 2014?

6 A. At some point or another, yes.

7 Q. Other than Officer Bovell, were any of the  
8 other officers -- had any of the others -- had any  
9 of the other officers transferred into the patrol  
10 division from another division during the time  
11 period immediately preceding their evaluation?

12 A. I don't believe so.

13 Q. So they had all been pretty much in the  
14 patrol division for a significant amount of time  
15 before their evaluation was conducted?

16 A. I believe so, yes.

17 Q. Were any of them probationary evaluations?

18 A. The set that I did in April, no.

19 Q. Right. And so we talked about policy and  
20 procedure about probationary evaluations and how  
21 whoever was supervising those individuals must be  
22 the one to do that evaluation. Is there a similar  
23 policy for patrol sergeant, that the individual --  
24 individuals that you are supervising in April of

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SERGEANT ROBERT WUTTKE

1       2014 must be evaluated by you, because, at that  
2 point in time, you are their supervisor?

3           A. Yes, ma'am.

4           Q. And how many other patrol sergeants were  
5 there in April of 2014?

6           A. Seven to nine. I'm not a hundred percent  
7 sure.

8           Q. And is there any written policy that you  
9 are aware of that requires that the individual who  
10 is the patrol supervisor in April of 2014 must be  
11 the individual who performs the evaluation?

12          A. A written --

13          Q. Policy or procedure.

14          A. There's an order that comes out every year  
15 in the middle of March that all officers are to  
16 complete the annual evaluation on whoever is under  
17 their command.

18          Q. And prior to performing Officer Bovell's  
19 evaluation in April of 2014, did you seek out any  
20 other supervisor who may have supervised Officer  
21 Bovell for the preceding year to gain perspective on  
22 his actual performance, since you had only  
23 supervised him for February, March, and a portion of  
24 April and, to that extent, one to two days every

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1 three weeks?

2 A. No.

3 Q. Did you feel comfortable evaluating  
4 Officer Bovell's performance when you had only  
5 supervised him for two or two-and-a-half months and  
6 only to the extent that you supervised him one to  
7 two days every three weeks?

8 A. I've never felt comfortable about doing  
9 the evaluations the way they are being done  
10 currently, because, as supervisors, we don't have  
11 the day-to-day interaction with the police officers  
12 as we used to have when we were in the old squad  
13 system.

14 Q. When did that squad system -- when did  
15 that change over into the present system?

16 A. January of 2014.

17 Q. And do you know whose decision that was,  
18 or --

19 A. I believe it was an agreement between the  
20 PBA and the department and the city.

21 Q. Did you express any concern, or did you  
22 make any complaint to any of your supervisors about  
23 having to evaluate the performance of an individual  
24 that you hadn't really supervised substantially at

1 the time that you had to evaluate him?

2 A. Official complaints or --

3 Q. No, anything.

4 A. Of course.

5 Q. Who did you complain to?

6 A. I spoke to my partner, who was another  
7 sergeant.

8 Q. Who's that?

9 A. Robert Scott.

10 Q. Was he in the same position?

11 A. Yes. Patrol supervisor as well.

12 Q. And was he also responsible for doing an  
13 evaluation of an individual or individuals that he  
14 had not supervised for longer than roughly two or  
15 three months?

16 A. He was in the position that he was doing  
17 evaluations on people that he may have seen once or  
18 twice every three weeks.

19 Q. And what criteria -- well, let me just  
20 back up. Did you receive any training or  
21 instruction or mentoring, whether formally or  
22 informally, in connection with completing these  
23 written evaluations or the criteria to use when  
24 evaluating your subordinates?

SERGEANT ROBERT WUTTKE

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1 A. Yes.

2 Q. From whom?

3 A. Lieutenant Gallagher.

4 Q. And when was that?

5 A. End of March, beginning of April 2014.

6 Q. Because -- was that because you sought  
7 that out, or it was offered to all the patrol  
8 sergeants?

9 A. No. It was because I sought it out.

10 Q. And what did he instruct you?

11 A. He briefly explained what needed to be in  
12 there, how to pull stats or how to have the stats  
13 pulled, what to look for, and to be as generic and  
14 brief as possible, because the way the evaluation is  
15 being done didn't really make much sense to anybody.

16 Q. And who ultimately reviewed those  
17 evaluations?

18 A. I don't know who ultimately reviewed them.  
19 I finished -- after I completed them, Lieutenant  
20 Gallagher reviewed them.

21 Q. And, to your knowledge, did those  
22 evaluations have any bearing on raises or promotions  
23 or reassignments to other squads or divisions?

24 A. To my knowledge, I don't believe so.

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SERGEANT ROBERT WUTTKE

1           Q. Then what's -- what was the purpose of  
2 the -- as far as you know, having worked in the  
3 department, what is the purpose of the performance  
4 evaluations?

5           A. To keep the accredited agency status.

6           Q. Through what agency?

7           A. DCJS.

8           Q. And do you know whether those evaluations  
9 are provided to DCJS?

10          A. I don't know. I know it's a DCJS  
11 requirement for an accredited agency to make sure  
12 that there's yearly evaluations done on all the  
13 members.

14          Q. Yearly evaluations or qualifications?

15          A. Yearly evaluations.

16          Q. Is it also a requirement that  
17 qualifications be conducted on a yearly basis?

18          A. What type of qualifications?

19          Q. Firearm qualifications, any kind of  
20 training --

21          A. I believe firearm qualification is a  
22 yearly requirement.

23          Q. What about physical endurance and --

24          A. No, ma'am.

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1 Q. That's not a requirement?

2 A. Not that I know of.

3 Q. Was it ever a requirement?

4 A. Not that I know of.

5 Q. Who, if anyone, did you -- well,  
6 withdrawn.

7 What criteria did you consider in your  
8 evaluation of Officer Bovell?

9 A. Sick time, summons productivity, arrest  
10 productivity, and any complaints that I had heard  
11 of, heard or investigated.

12 Q. Formal complaints or informal complaints?

13 A. Both.

14 Q. And the criteria that you used, was that  
15 criteria that had been provided to you by Lieutenant  
16 Gallagher?

17 A. Yes, ma'am.

18 Q. Did you take into consideration any other  
19 criteria that you did not discuss with Lieutenant  
20 Gallagher? In other words, maybe Lieutenant  
21 Gallagher said, you know, you should consider sick  
22 time and productivity, but you decided you were  
23 going to add in, you know, complaints and whether  
24 anyone was complaining about the individual.

1 A. No, ma'am.

2 Q. Okay. So everything that you considered  
3 came from the direction of Lieutenant Gallagher?

4 A. The suggestion of Lieutenant Gallagher,  
5 yes.

6 Q. Okay. With respect to sick time, what if  
7 any information did you have in connection with his  
8 evaluation?

9 A. I'm sorry. I don't understand your  
10 question.

11 Q. So you said sick time was something that  
12 you considered when you were conducting the  
13 evaluation?

14 A. Yes.

15 Q. And were there any issues with respect to  
16 Officer Bovell's sick time?

17 A. I'm trying to think time frames. You will  
18 have to just bear with me for a second. Personally,  
19 I didn't believe there was an issue with his sick  
20 time at any point.

21 Q. Who did you speak to? Or who spoke to  
22 you? Or what information did you receive? And who  
23 did you receive it from, if any, with respect to  
24 Officer Bovell's sick time and possible disciplinary

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1 action in connection with that?

2 MR. SWEENEY: Objection as to the form,  
3 but you can answer it.

4 A. Can you clarify it? There's a lot there.

5 Q. You said you personally didn't believe  
6 there was an issue with his sick time --

7 A. Yes.

8 Q. -- which leads me to think that someone  
9 did think there was an issue. Was there someone  
10 else that did believe it was an issue?

11 A. I don't believe that the issue was  
12 directed towards Officer Bovell.

13 Q. Well, irrespective of who it was directed  
14 toward, where did it come from?

15 A. Captain Hastings.

16 Q. To you?

17 A. To all the patrol supervisors.

18 Q. In a meeting?

19 A. In an email.

20 Q. Do you still have a copy of that email?

21 A. I do.

22 MS. BELLANTONI: Okay. If you can provide  
23 it to Mr. Sweeney.

24 THE WITNESS: Yes, ma'am.

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1  
2 DOCUMENT/INFORMATION REQUESTED :

3  
4 Q. So, in substance, what did the email say?

5 A. All patrol supervisors are to monitor or  
6 are to check the sick time of members under their  
7 command and ensure compliance with the department's  
8 chronic sick policy.

9 Q. I'm not going to ask you to go from  
10 memory. So I'm going to show you what's been marked  
11 as Plaintiff's Exhibit 18, which is Bates stamped  
12 138 through 141. And it's entitled, "Administrative  
13 Guide, Chronic Absence Control, issued 1993, revised  
14 2009." Is that -- just take a look at the document.

15 A. Yeah.

16 Q. Is that, to your knowledge, the policy  
17 that was in place at the time that you performed  
18 Mr. Bovell's or Officer Bovell's evaluation?

19 A. Yes, ma'am.

20 Q. Were you given any directions from Captain  
21 Hastings about how to or what steps to take in order  
22 to identify individuals who were abusing sick time?

23 A. I'm confused by your question.

24 Q. So you were given an email that spoke to